EA Form R 1/2007

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. **Applicant/Contact name and address:**

   BERNICE E. ROSE IRREVOCABLE TRUST
   5713 WASHINGTON AVE.
   EVANSVILLE, IN 47715-4257

2. **Type of action:** Application to Change and Existing Non-Irrigation Water Right 76I 30152362

3. **Water source name:** Kelly Creek (change authorization application requests using McDonald Creek (Lake McDonald) as a natural carrier of Kelly Creek water to a new point of diversion on Lake McDonald)

4. **Location affected by project:** NESWNW Section 15, Township 33N, Range 18W, Flathead County, Montana.

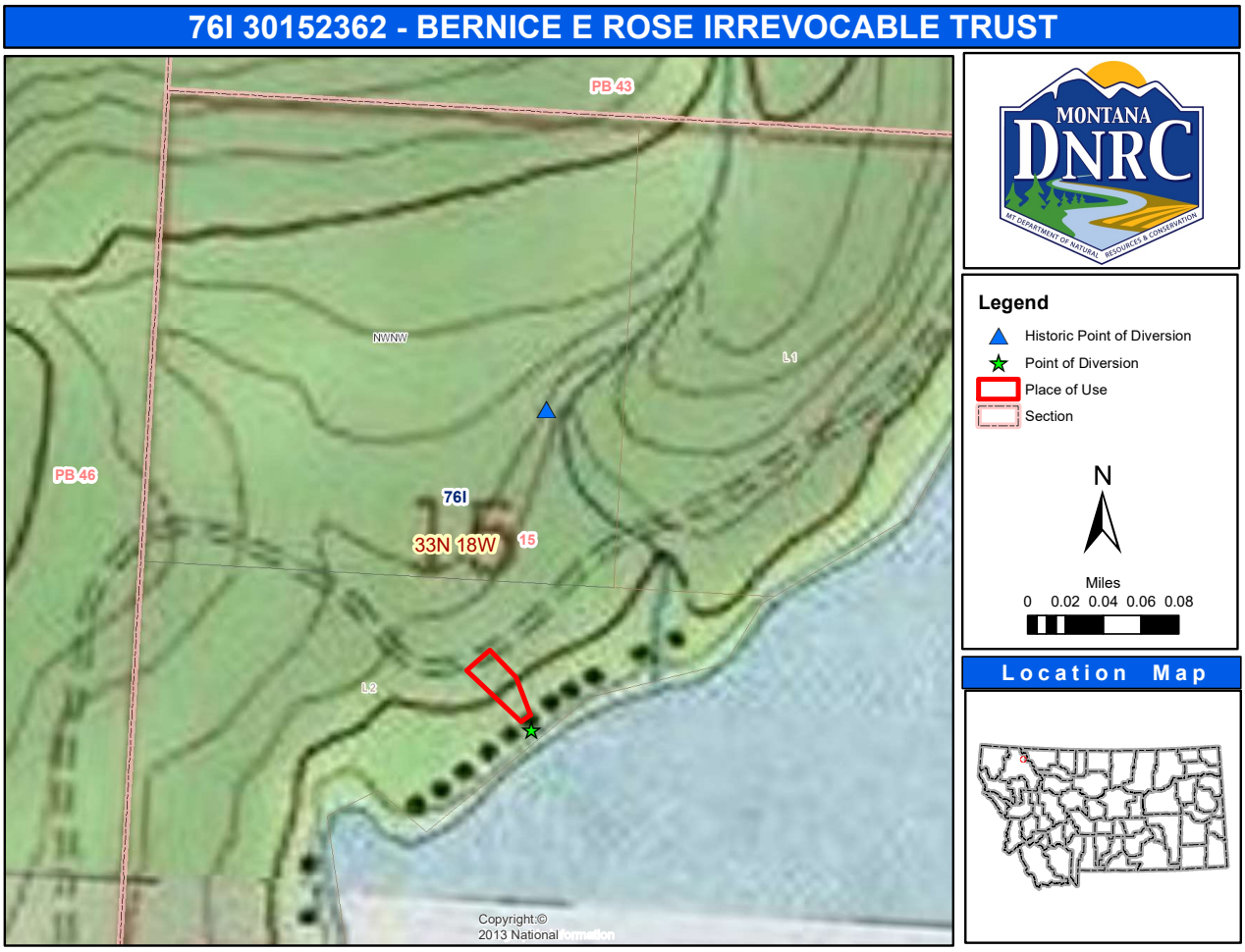

Figure 1. Map of the historic and proposed place of use and point of diversion.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant seeks to change Statement of Claim 76I 35719-00. Statement of Claim 76I 35719-00 diverts water from Kelly Creek at 12.0 gallons per minute (GPM) up to 1.5 acre-feet (AF) per year for Domestic use. This claim supplies domestic water (including water for lawn and garden irrigation) through a community water system to Cabin 4 of the "Kelly's Camp Historic District," a private inholding on the west shore of Lake McDonald within Glacier National Park boundaries. Kelly Creek is tributary to McDonald Creek (Lake McDonald) (hereafter referred to as Lake McDonald).

The 2018 Howe Ridge Fire destroyed Cabin 4 (place of use), the community water system, and the hydro-power generation infrastructure. Kelly's Camp landowners could not reach consensus to rebuild the historic community water system infrastructure. The Applicant explored several options to obtain a reliable water supply for their rebuilt cabin, eventually deciding to use an individual water system and to move their POD. The new diversion will use a jet pump drawing from Lake McDonald. The National Park Service and Glacier National Park provided a "Statement of No Objection" to this option,

granted the Applicant makes the changes pursuant to all applicable laws, terms, and conditions.

The proposed change will reflect how the Applicant will operate the individual water system with relocated POD. The Applicant proposes to:

i. Change the POD from the SENWNW Section 15, Township 33 North, Range 18 West, Flathead County to Government Lot 2, NESWNW Section 15, Township 33 North, Range 18 West, Flathead County. The change will require the use of McDonald Creek (Lake McDonald) as natural carrier of Kelly Creek water to the new POD (jet pump drawing from Lake McDonald);

ii. Change the means of diversion from "Flowing" to "Pump";

iii. Reduce the total diverted volume from 1.5 AF to 0.47 AF per the historic use description;

iv. Reduce the period of diversion/use for the domestic purpose from January 1 – December 31 to April 15 – December 15 per the historic use description;

v. Separate out the lawn and garden irrigation purpose volume from the domestic purpose volume; and,

vi. Assign the period of use for the lawn and garden purpose as May 1 – September 30 per the historic use description.

At the time of original filing, lawn and garden irrigation up to five acres was included in the domestic purpose. Separating the lawn and garden purpose and volume out from the domestic use is for clarity and is based on the Applicant's historic use description

The POD is in the Middle Fork Flathead River Basin (76I), in an area not subject to water right basin closures or controlled groundwater area restrictions.

The DNRC shall authorize a water right change if the applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

- U.S. Fish and Wildlife Service (USFWS): National Wetlands Inventory Wetlands Mapper
- Montana Natural Heritage Program: Endangered, Threatened Species, and Species of Special Concern
- Montana Department of Fish Wildlife & Parks (MTDFWP): Dewatered Stream Information
- Montana Department of Environmental Quality (MTDEQ): Clean Water Act Information Center
- U.S. Natural Resources Conservation Service (NRCS): Web Soil Survey

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity **-** *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

The Applicant will divert water from Lake McDonald using of McDonald Creek (Lake McDonald) as a natural carrier of Kelly Creek water to the new POD (jet pump drawing from Lake McDonald). Neither Kelly Creek nor McDonald Creek are on the MTDFWP list of chronically or periodically dewatered streams.

Determination: No significant impact.

Water quality **-** *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

According to the MTDEQ 2020 Clean Water Act Information Center Water Quality Information report, the Middle Fork Flathead River (to which Kelly and McDonald Creeks are tributary) is listed as "fully supporting" for: drinking water, primary contact recreation, agriculture, and aquatic life. The river's Use Class is "A-1," meaning the waters are classified as suitable for drinking, culinary, and food processing purposes after conventional treatment for removal of naturally present impurities. The Water Quality Category is "1," meaning that the river's waters are determined to be fully supporting for all applicable beneficial uses for which the waters have been assessed. The proposed project will not affect water quality of the Middle Fork Flathead River.

Determination: No significant impact.

Groundwater **-** *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: N/A, this project diverts from a surface water source.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

The Applicant will divert water from Lake McDonald via a Franklin Electric VJ-15 1.5-hp shallow well jet pump with Nozzle B (standard) at a flow rate of 12.0 GPM. The pump will be paired with a 62-gallon pressure tank controlled by a 30/60 pound per square inch (psi) pressure switch. A 1.5-inch Dole GT-12 MIPT 12.0 GPM in-line flow regulator will ensure the historic

flow rate of 12.0 GPM is not exceeded by the new diversion. The pump and pressure tank will be located in the cabin crawlspace.

A 1.5-inch poly water line will extend through a buried 3.0-inch PVC pipe from the crawlspace to just above the Lake McDonald low water mark. A removable 25-ft length of 1.5-inch poly water line equipped with an intake foot valve will attach to the main water line at this point via a quick disconnect coupling. This removable length of pipe will extend into Lake McDonald and will be removed at the end of the water use season for draining and winterization of the water system. The pump will switch on when the pressure in the pressure tank falls below 30-psi and will pump until the system pressure reaches the shut off threshold of 60-psi. Water will pass through a treatment system after the pressure tank before use in the cabin. From there, water will supply the domestic cabin fixtures and the exterior hose spigot.

The total length of the water line from the pump/pressure tank to the foot valve is 60-ft. The friction head loss associated with this water transmission line is approximately 1-ft. The elevation gain from the high water mark to the pump/pressure tank is 15-ft. Based on the applicant-provided pump specification table, at a minimum discharge pressure of 30-psi with a suction lift of 15-ft, the pump can provide 21.3 GPM. The Dole flow regulator will ensure the pumping rate does not exceed the historic flow rate. At the maximum discharge pressure of 60-psi, the pump can provide 3.8 GPM.

This project will not create any channel impacts, flow modifications, barriers, dams, or riparian impacts to Lake McDonald, nor will it affect any wells.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species **-** *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants, aquatic species, or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The Montana Natural Heritage Program website was reviewed to determine if there are any threatened or endangered fish, wildlife, plants, aquatic species, or any "species of special concern" in Township 33N, Range 18W that could be impacted by the proposed project. 27 animal and 26 plant species of concern (Tables 1 and 2, respectively) were identified within the township and range where the project is located. Of these species, the Grizzly Bear (*Ursus arctos*), Canada Lynx (*Lynx canadensis*), and the Bull Trout (*Salvelinus confluentus*) are listed as threatened by the USFWS. An adequate quantity of water will still exist in the surface water source to maintain existing populations of Bull Trout, should they exist there currently. This area is already developed and a wildfire in 2018 destroyed the existing developments and surrounding vegetation. It is not anticipated that any species of concern will be further impacted by the proposed project.

Table 1. Animal Species of Concern				
Brown Creeper (*Certhia americana*)	Long-eared Myotis (*Myotis evotis*)	Fisher (*Pekania pennanti*)	Great Gray Owl (*Strix nebulosa*)	Northern Goshawk (*Accipiter gentilis*)
Canada Lynx (*Lynx canadensis*)	Black-backed Woodpecker (*Picoides arcticus*)	Golden Eagle (*Aquila chrysaetos*)	Harlequin Duck (*Histrionicus histrionicus*)	Pileated Woodpecker (*Dryocopus pileatus*)
Cassin's Finch (*Haemorhous cassinii*)	Bull Trout (*Salvelinus confluentus*)	Grizzly Bear (*Ursus arctos*)	Pacific Wren (*Troglodytes pacificus*)	Wolverine (*Gulo gulo*)
Common Loon (*Gavia immer*)	Clark's Nutcracker (*Nucifraga columbiana*)	Little Brown Myotis (*Myotis lucifugus*)	Pygmy Whitefish (*Prosopium coulteri*)	Varied Thrush (*Ixoreus naevius*)
Evening Grosbeak (*Coccothraustes vespertinus*)	Gray-crowned Rosy-Finch (*Leucosticte tephrocotis*)	Northern Bog Lemming (*Synaptomys borealis*)	Reticulate Taildropper (*Prophysaon andersoni*)	Western Toad (*Anaxyrus boreas*)
Westslope Cutthroat Trout (*Oncorhynchus clarkii lewisi*)	White-tailed Ptarmigan (*Lagopus leucura*)			

Table 2. Plant Species of Concern				
A Peatmoss (*Sphagnum centrale*)	Beardless Wildrye (*Elymus triticoides / Leymus triticoides*)	Kalm's Lobelia (*Lobelia kalmii*)	Glaucus Beaked Sedge (*Carex rostrata*)	Slender Cottongrass (*Eriophorum gracile*)
Adder's Tongue (*Ophioglossum pusillum*)	Brown Hair Peatmoss / Brown Peatmoss (*Sphagnum fuscum)*	Meadow Horsetail (*Equisetum pratense*)	Hooded Bush Lichen (*Ramalina obtusata*)	Tufted Club-rush (*Trichophorum cespitosum*)
English Sundew (*Drosera anglica*)	Contorted Sphagnum Moss (*Sphagnum contortum*)	Moonworts (*Botrychium sp.*)	Narrowleaf Peatmoss (*Sphagnum angustifolium*)	Velvetleaf Huckleberry (*Vaccinium myrtilloides*)
Flatleaf Bladderwort (*Utricularia intermedia*)	Douglas' Neckera Moss (*Neckera douglasii*)	Pale Corydalis (*Corydalis sempervirens*)	Pod Grass (*Scheuchzeria palustris*)	Water Bulrush (*Schoenoplectus subterminalis*)
Floriferous Monkeyflower (*Mimulus floribundus*)	Giant Helleborine (*Epipactis gigantea*)	Stalk-leaved Monkeyflower (*Mimulus ampliatus / Mimulus patulus / Mimulus washingtonensis*)	Pustulate Tarpaper Lichen (*Collema curtisporum*)	Whitebark Pine (*Pinus albicaulis*)
Treelike Clubmoss (*Lycopodium dendroideum / Lycopodium obscurum var. dendroideum / Dendrolycopodium dendroideum*)				

Determination: No significant impact.

Wetlands **-** *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

A portion of the project area is within a Forested/Shrub Riparian area. The applicant must follow all applicable regulations and permitting requirements for working in/on the lakeshore and lakebed within this riparian area.

Determination: No significant impact.

Ponds **-** *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: N/A, project does not involve ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

The proposed 0.014 acres of lawn and garden irrigation will not have a negative impact on the soil quality, stability, or moisture content. The soils in the project area are Pasturecreek-Elkridge families, complex, 8 to 35 percent slopes, formed from Volcanic ash over till derived from metasedimentary rock parent material. Pasturecreek-Elkridge families, complex, 8 to 35 percent slopes, has moderately high to high capacity to transmit water. Soils in this area are not likely susceptible to saline seep.

Determination: No significant impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

This area was previously developed. The 2018 Howe Ridge Fire destroyed all developments and vegetation. Any existing native vegetation has already been disturbed/destroyed. It is not anticipated that authorization of a water right change will contribute to the establishment or spread of noxious weeds in the project area. Noxious weed prevention and control will be the responsibility of the landowners, who must follow local noxious weed regulations.

Determination: No significant impact.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There will be no impact to air quality associated with authorization of the proposed water right change.

Determination: No significant impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A, project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water, and energy not already addressed.*

All impacts to land, water, and energy have been identified. No further impacts are anticipated.

Determination: No significant impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is consistent with planned land uses.

Determination: No significant impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The proposed project will not inhibit, alter, or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No significant impact.

HUMAN HEALTH - *Assess whether the proposed project impacts human health.*

This proposed use will not adversely impact human health.

Determination: No significant impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No_**X**_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights*.

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* None identified.

(b) *Local and state tax base and tax revenues?* None identified.

(c) *Existing land uses?* None identified.

(d) *Quantity and distribution of employment?* None identified.

(e) *Distribution and density of population and housing?* None identified.

(f) *Demands for government services?* None identified.

(g) *Industrial and commercial activity?* None identified.

(h) *Utilities?* None identified.

(i) *Transportation?* None identified.

(j) *Safety?* None identified.

(k) *Other appropriate social and economic circumstances?* None identified.

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: None identified.

Cumulative Impacts: None identified.

3. ***Describe any mitigation/stipulation measures:***

None.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***

The only alternative to the proposed action would be the no action alternative. The no action alternative would not authorize changing the point of diversion from Kelly Creek to Lake McDonald.

Part III. Conclusion

1. Preferred Alternative

Authorize a water right change if the Applicant proves the criteria in 85-2-402 MCA are met.

2. Comments and Responses

None.

3. Finding:

*Yes___ No_**X**_ Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

Name of person(s) responsible for preparation of EA:

Name: Travis Wilson
Title: Water Resource Specialist
Date: November 4, 2021